



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



December 10, 2003

Mr. David Navecky
Surface Transportation Board, Case Control Unit
1925 K Street NW, Suite 500
Washington, DC 20423

Subject: Environmental Assessment for Construction and Operation Exemption for
Burlington Northern and Santa Fe Railway Company in Merced County, California

Dear Mr. Navecky:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act. EPA appreciates the Surface Transportation Board's efforts to solicit our input on this project.

The No-Build alternative would require no new rail construction and would involve Burlington Northern and Santa Fe Railway Company (BNSF) using the existing Union Pacific Railroad (UPRR) trackage to access the Quebecor facility. Because the use of existing facilities would result in fewer environmental impacts than the proposal to construct over 1,000 feet of new track, EPA recommends a more thorough explanation of how sharing use of existing track with UPRR is not feasible (such as high compensation requirement, logistic concerns, unsuccessful negotiations for sharing track, etc.). The proposed project will include impacts to vegetation within the existing right-of-way and mitigation is proposed as a result of ground disturbance. Executive Order 13112 on Invasive Species calls for the restoration of native plant and tree species. To the extent that this project will entail new landscaping, Mitigation Measure #4 (p. 29) should describe how the project will meet the requirements of Executive Order 13112 by using native species.

We appreciate the opportunity to review this EA and request copies of any additional documents prepared for this project when they become available. If you have any questions, please call Connell Dunning at (415) 947-4161.

Sincerely,

Lisa B. Hahf, Manager
Federal Activities Office